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14 *Attorneys for Defendant*  
15 ARBOR LODGING PARTNERS, LLC

16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF CALIFORNIA

18 ELENA AVILA, ) CASE NO. 1:22-cv-01099-SKO  
19 )  
20 Plaintiff, )  
21 vs. )  
22 )  
23 ARBOR LODGING PARTNERS, LLC, a )  
Illinois limited liability company, and DOES )  
1 through 20, inclusive, )  
24 )  
25 Defendants. )  
26 )  
27 )  
28 )

Judge: Hon. Sheila K. Oberto  
Courtroom: 7

**JOINT STIPULATION TO  
MODIFY SCHEDULING  
ORDER; ORDER**

**(Doc. 23)**

1           TO THE COURT:

2           Plaintiff ELENA AVILA (“Plaintiff”) and Defendant ARBOR LODGING  
3 PARTNERS, LLC (“Defendant”) (collectively referred to as “Parties”), hereby  
4 submit the following Stipulation to Modify the Scheduling Order in this matter. The  
5 parties submit that good cause exists for the proposed modifications for the  
6 following reasons:

7           WHEREAS, on March 3, 2023, the Court issued a Scheduling Order in this  
8 matter; the fact discovery cut-off in this matter was December 1, 2023, the expert  
9 discovery cut-off is April 5, 2024, the pretrial conference is December 9, 2024, and  
10 trial is set for February 11, 2025;

11          WHEREAS, the Parties have engaged in initial written discovery, including  
12 the exchange of Initial Disclosures, but the Parties require additional time to  
13 complete fact discovery, including written discovery and depositions, prior to trial;

14          WHEREAS, Plaintiff has requested to take at least 6 depositions of percipient  
15 witnesses, and Defendant intends to take the deposition of Plaintiff, which might  
16 require more than one day of deposition;

17          WHEREAS, the Parties have engaged in ongoing meet and confer  
18 conversations regarding Plaintiff’s proposed depositions, which may require motion  
19 practice;

20          WHEREAS, the Parties have also engaged in meet and confer conversations  
21 regarding Defendant’s request for leave to file an amended Answer, which will also  
22 require anticipated motion practice and may impact fact discovery;

23          WHEREAS, on November 1, 2023, Plaintiff filed a Motion to Modify the  
24 Scheduling Order;

25          WHEREAS, on December 6, 2023, the Court granted Plaintiff’s Motion to  
26 Modify the Scheduling Order. In its Order, the Court ordered the parties to meet and  
27 confer and agree upon a date upon which non-expert discovery will be completed  
28 and file a stipulation no later than December 22, 2023;

1           WHEREAS, given the anticipated discovery and motion practice set forth  
2 above, the Parties believe the requested continuance is required in order to complete  
3 necessary fact discovery in preparation for trial.

4           WHEREAS, in light of the above and having met and conferred, the Parties  
5 request that the deadline to complete all non-expert discovery, including motions to  
6 compel any non-expert discovery, be continued to July 12, 2024.

7           NOW THEREFORE, the Parties hereby stipulate to, and request that the  
8 Scheduling Order entered on March 3, 2023, be modified as follows:

- 9           • The deadline to complete all non-expert discovery, including motions to  
10           compel any non-expert discovery, is continued from December 1, 2023 to  
11           July 12, 2024.

12  
13           Dated: December 14, 2023

BRYANT WHITTEN LLP

14  
15           By: /s/ Shelley Bryant  
16           Shelley Bryant  
17           Attorney for Plaintiff  
ELENA AVILA

18  
19           Dated: December 14, 2023

GORDON REES SCULLY  
MANSUKHANI, LLP

20  
21           By: /s/ Nicholas A. Deming  
22           LINDA M. MORONEY  
23           NICHOLAS A. DEMING  
24           ALEXANDRA ROMERO  
25           Attorneys for Defendant  
ARBOR LODGING PARTNERS,  
LLC

## ORDER

Pursuant to the parties' foregoing stipulation, and for good cause shown (see Fed. R. Civ. P. 16(b)(4)), the deadline to complete all non-expert discovery, including motions to compel any non-expert discovery, is CONTINUED **July 12, 2024**.

The Scheduling Order (Doc. 14) is further MODIFIED as follows:

- The parties are directed to disclose all expert witnesses, in writing, on or before September 12, 2024, and to disclose all rebuttal experts on or before October 11, 2024;
  - The parties are ordered to complete all expert discovery, including motions to compel any expert discovery, on or before November 8, 2024;
  - All non-dispositive pretrial motions (except motions to compel, addressed above), shall be filed by December 4, 2024, and heard on or before January 8, 2025;
  - All dispositive pretrial motions shall be filed no later than January 15, 2025, and heard no later than February 19, 2025;
  - The Pretrial Conference is set for July 28, 2025, at 1:30 p.m. in Courtroom 1; and
  - Trial is set for September 30, 2025, at 8:30 a.m. in Courtroom 1.

IT IS SO ORDERED.

Dated: December 18, 2023

/s/ Sheila K. Oberto